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Scenario Note
Deputy Minister Meeting on the Election Protocol
February 21, 2019

Overview:

You are to attend a DM meeting on the Critical Election Incident Public Protocol (CEIPP) on February 21, 2019. DM Cowan (Democratic Institutions) will provide an update on the Cabinet Directive on the CEIPP (**TAB A**). DMs will also discuss a product entitled *Safeguarding the 2019 Election and Protecting Democratic Institutions* to be used as a bi-weekly brief until the 2019 Election (**TAB B**) and a document highlighting the work of the Security and Intelligence Threats to Elections Task Force (SITE) (**TAB C**).

Background:

Since early 2018, work has been underway across the Government of Canada (GoC) on how to mitigate the threat to democratic institutions and ensure the integrity of the 2019 General Election. To this end, the Privy Council Office (PCO) led a whole of government effort to establish initiatives to protect democracy, across four broad categories: 1) Building Citizen Resilience; 2) Promoting institutional resilience; 3) Establishing rules of the road for digital platforms; and, 4) Combating foreign influence. As a result of these efforts, the CEIPP and SITE were also established. The RCMP will contribute to both initiatives, as appropriate (i.e. situations that require law enforcement input).

Item 1: Critical Election Incident Public Protocol

The CEIPP is an effort to ensure consistency in Canada's approach when publicly informing Canadians about incidents that could threaten the integrity of the election. The Cabinet Directive on the CEIPP is the foundational document for the Protocol, as it identifies the expectations of Ministers with respect to the application of the Protocol. For instance, the Protocol will only be initiated in response to incidents that occur during the writ period and does not address issues within Elections Canada's mandate. The CEIPP centers on a panel of five senior civil servants who will be jointly responsible for determining whether the threshold for informing Canadians has been met. The CEIPP panel will be comprised of: the Clerk of the Privy Council; the National Security and Intelligence Advisor (NSIA); the Deputy Minister of Justice and Deputy Attorney General; the Deputy Minister of Public Safety; and the Deputy Minister of Global Affairs Canada. The Protocol includes a five-step process to determine if a public notice is needed:

1. If the head of a national security agency is aware of an act of interference, they will inform the affected political party directly unless there is an overriding national security/public security reason not to do so;
2. The heads of the national security agencies will have regular ongoing conversations with the NSIA, and provide regular briefings to the panel on emerging developments and potential threats;
3. Drawing on expertise from across government (including national security agencies), the panel will evaluate incidents to determine if the threshold for public notification has been met;

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4. If a public announcement is deemed necessary, the panel will inform the Prime Minister, the other party leaders and Elections Canada in advance of any public statement; and
5. Immediately after having informed the Prime Minister, the other political parties and Elections Canada, the Clerk will direct the relevant lead agency to hold a press conference to notify Canadians.

Considerations:

The RCMP is supportive of the CCEIP, as it will inform the public of potential interference. However, the RCMP is an independent law enforcement agency, and the CCEIP cannot dictate how the RCMP will respond to incidents. As the Commissioner, in collaboration with the heads of other national security agencies, will play a key role, the RCMP's role in this process should be clearly articulated to personnel who will be part of the decision making process (e.g. FPNS/NICC). Given the possibility that the Protocol could be perceived to benefit one political party over another, it will be imperative that any communication to the public stress that information is being provided only to further the integrity of the electoral process.

Item 2: Bi-Weekly Briefing: 28 January Edition

The January 28, 2019 *Safeguarding the 2019 Election and Protecting Democratic Institutions* briefing document summarizes incident reporting, response and engagement, and provides an update on open source reporting about election interference, domestically and internationally.

Considerations:

Overall, the RCMP is supportive of the document, however it contains some inaccuracies. For example, the "International" section under "Engagement" indicates that the RCMP will be sending officers to assist in election monitoring in the . The RCMP will not be undertaking this activity, and the reference should be removed. In addition, context on the purpose or goal of the document should be provided to the reader.

Item 3: Security and Intelligence Threats to Elections Task Force

The GoC formed the Security and Intelligence Threats to Elections (SITE) Task Force to enhance coordination of foreign actor interference threat information. SITE is hosted by the Communication Security Establishment (CSE), with participation from CSIS, GAC and the RCMP. Information coming into SITE can be assessed jointly, ensuring that all relevant agencies are aware of the information and can take appropriate steps within their respective mandates. SITE also engages with foreign partners to identify lessons learned and trends. The briefing document provides a high level summary of domestic and international intelligence relating to potential threats to the 2019 election.

Considerations:

The RCMP's role at SITE is to provide law enforcement perspective on threats, and to facilitate a law enforcement response. The RCMP has no concerns with the briefing document.

Key messages:

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- The RCMP has been actively engaged throughout the development of the Protocol, and we are supportive.
- Our engagement will be in instances where we can provide a law enforcement perspective – for instance regarding incidents where interference activities are criminal in nature.
- I must stress that the RCMP’s investigative independence – including investigations of possible electoral interference – must be respected in the application of this protocol.

Bi-Weekly Briefing: 28 January Edition

- The bi-weekly briefing provides a useful overview of global and domestic election information. However, the RCMP feels that the purpose of the document should be made clear.
- It must also be fully validated by partners before it is circulated. For instance we note some inaccurate information regarding RCMP activities in the

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Approved by – Approuvé par [Redacted] Director Federal Policing Strategic Direction	Date 2019-02	Reviewed by – Examiné par Gilles Michaud, Deputy Commissioner, Federal Policing	Date 2019-02

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